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Dated: February 17, 2009

Signature:

  
(Marshall P. Byrd)

Docket No.: 27373/36638A  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Ralph Weichselbaum et al.

Confirmation No. 1056

Application No.: 09/964,042

Art Unit: 1635

Filed: September 26, 2001

Examiner: J. E. Angell

For: TREATMENT OF TUMORS WITH  
GENETICALLY ENGINEERED HERPES  
VIRUS

**RESPONSE TO OFFICE ACTION OF SEPTEMBER 18, 2009**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Madam:

This paper is filed (along with a Request for Continued Examination) in response to the final Office Action mailed September 18, 2008. This response is timely filed in view of the petition and fee for an extension of time filed herewith.

**Amendments to the Claims** are reflected in the listing of claims which begins on page 2 of this paper.

**Remarks** begin on page 5 of this paper.